

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14604 of William McSweeney, pursuant to Paragraph 8207.11 (3107.2, 11 DCMR) of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1, 405.9, 11 DCMR) to allow construction of a single car garage in an R-1-A District at premises 5021 Millwood Lane, N.W., (Square 1434, Lot 10).

HEARING DATE: June 17, 1987

DECISION DATE: June 17, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 5021 Millwood Lane, N.W., is located on the north side of Millwood Lane between Glenbrook and Loughboro Roads. The site is located in an R-1-A District.

2. The site is an irregularly shaped quadrangle with a frontage of 80 feet along Millwood Lane and a lot area of 8,543.20 square feet. The site is improved with a brick single-family detached structure.

3. The R-1-A District extends in all directions from the site. The surrounding area is improved with single-family detached houses.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the Applicant is seeking a variance from the side yard requirements to construct a one-story single car garage to the east of the existing structure.

5. The addition will be adjacent to the east property line. The west site yard and rear yard will maintain the setbacks of 15.3 feet and 36.6 feet respectively. The structure's lot occupancy, of 1,902.99 square feet is well below the 3,417.28 square feet (40 percent) occupancy allowed for the R-1-A District.

6. A driveway exists where the addition is proposed to be located.

7. Advisory Neighborhood Commission 3-D submitted no report on the application.

8. The neighboring property owners submitted a letter to the record in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Zoning Regulations require a side yard setback of eight feet. The applicant proposes to provide no side yard. The Board concludes that the Applicant has met the burden of proof. The lot is affected by unusual conditions such that, although the lot is relatively large with sufficient buildable space, the logical location for the proposed garage is in the east side yard where the existing driveway is located.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 6 of the record.

VOTE: 4-0 (Patricia Mathews, Paula L. Jewell, William F. McIntosh and Charles P. Norris to grant; Carrie L. Thornhill not present not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: SEP 9 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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